

REMARKS

Claims 1-8 and 21-28 are currently pending. Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

In the Advisory Action, mailed March 30, 2005, the Examiner asserts that the after final amendments filed on March 18, 2005 have been entered, but due not place the application in condition for allowance because the applied prior art teach and/or suggests each of the claimed features for reasons of record. Accordingly, Applicants have addressed the rejections set forth in Final Office Action ("Action"), mailed November 18, 2004, in the following remarks.

In paragraph 2 of the Action, the Examiner rejects claims 1-8 and 21-28 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

With regard to claim 1, the Examiner asserts that it is "unclear how the instant figures show a compensating layer with a 'step' shape." In addition, the Examiner asserts that while the figures clearly disclose that the compensating layer provides elevation of the main and dummy seals it "does not imply or require that the compensating layers have the shape of a step." Although Applicants disagree with the Examiner's assertion that the specification does not disclose or imply a step-shaped compensating layer, Applicants have amended independent claim 1 as suggested by the Examiner.

With regard to claim 21, the Examiner assertion that specification makes no mention of the width of the first and second compensating layers and the drawings show the widths of the compensating layers to be wider than that of the seals. Therefore, the Examiner asserts that claim 21 constitutes new matter. Applicants respectfully disagree.

Support for the width of the first and second compensating layers being substantially the same width as the main and dummy seals, respectfully, can be found in the specification on page

9, lines 1-3. Therefore, claim 21 does not constitute new matter. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-8 and 21-28 under 35 U.S.C. 112, first paragraph.

In paragraph 4 of the Action, the Examiner rejects claims 1-3, 5, 21-23 and 25 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,239,855 to Nakahara et al. ("Nakahara"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. §102, the cited reference must teach each and every claimed element. In the present case, claims 1-3, 5, 21-23 and 25 are not anticipated by Nakahara because Nakahara fails to disclose each and every claimed element as discussed below.

Independent claim 1 defines a liquid crystal display device that includes, *inter alia*, a first substrate; a main seal on the first substrate defining a liquid crystal injection area; a first compensating layer under the main seal, said first compensating layer providing a step upon which the main seal is raised; a plurality of dummy seals on the first substrate and external to the liquid crystal injection area; and a second compensating layer under the plurality of dummy seals, the second compensating layer providing a step upon which the dummy seals are raised and having substantially the same structure as the first compensating layer.

In rejecting claim 1, the Examiner points to column 4, line 57-52 as disclosing the claimed first and second compensating layers. More specifically, the Examiner asserts that the functional film of Nakahara is equivalent to the claimed compensating layers because it is deposited under the main and dummy seals. In addition, the Examiner asserts that Nakahara expressly teaches (1) the step coverage compensating layer, and (2) the step coverage compensating layer is substantially the same width as the dummy seal because the step-shaped

coverage compensating layer is only that portion of the “functional film” on which is the seal is formed. These assertions are unfounded for the following reasons.

First, Applicants note that is unclear where the Examiner has interpreted Nakahara as disclosing that (1) the functional film is only disposed under the dummy seals, or that (2) the functional film of Nakahara is equivalent to the claimed compensating layers simple because it is under the dummy seals. Either interpretation is incorrect.

Although, Nakahara discloses in column 4, lines 58-59 that the dummy seal is formed only on a portion of the functional film outside the liquid crystal injection area, Nakahara clearly discloses that the function film is a continuous layer formed inside and outside the injection area. Accordingly, even if the functional film of Nakahara where equivalent to the claimed compensating layer, which Applicants do not concede, Nakahara disclosing only one functional film.

Furthermore, the functional film of Nakahara is not equivalent to the claimed compensating layer merely because it is under the dummy seals. Using this logic, the glass substrate of Nakahara would be equivalent to the claims compensating layer because is under the dummy seal. Clearly, the functional film of Nakahara, which extends inside and out of the liquid crystal injection area is not equivalent to the claims first and second compensating layers. Accordingly, Nakahara fails to anticipate independent claim 1.

Independent claim 21 defines a liquid crystal display device that includes, *inter alia*, a first compensating layer with a width substantially the same as the width of a main seal and disposed between a first substrate and the main seal, and a second compensating layer with a width substantially the same width as the width of the dummy seals and disposed between the first substrate and the plurality of dummy seals. Accordingly, claim 21 is not anticipated by

Nakahara for at least the reason that Nakahara fails to disclose each and every claimed element. (See discussion above with respect to claim 1).

Claims 2, 3, 5, 22, 23 and 25 variously depend from independent claims 1 and 21. Therefore, claims 2, 3, 5, 22, 23 and 25 are patentably distinguishable over Nakahara for at least those reasons presented above with respect to claims 1 and 21. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-3, 3, 21-23 and 25 under 35 U.S.C. §102(e).

In paragraph 5 of the Action, the Examiner rejects claims 6 and 26 under 35 U.S.C. §102(e) as allegedly being anticipated by Nakahara considered with Applicant's admissions of record. Applicants respectfully traverse this rejection.

Claims 6 and 26 depend independent claims 1 and 21, respectively. Therefore, claims 6 and 26 are patentably distinguishable over Nakahara for at least those reasons presented above with respect to claims 1 and 21. Accordingly, Applicants respectfully reconsideration and withdrawal of the rejection of claims 6 and 26 under 35 U.S.C. §102(e).

In paragraph 7 of the Action, the Examiner rejects claims 4, 7, 8, 24, 27, and 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakahara. Applicants respectfully traverse this rejection.

Claims 4, 7, 8, 24, 27 and 28 variously depend from independent claims 1 and 21. Therefore, claims 4, 7, 8, 24, 27 and 28 are patentably distinguishable over Nakahara for at least those reasons presented above with respect to claims 1 and 21. More specifically, Nakahara fails to disclose or suggest first and second compensating layers that provide a step upon which the main seal and dummy seals, respectively, are raised and have substantially the same structure (Claim 1) or that have substantially the same width as the main and dummy seals (Claim 21).

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4, 7, 8, 24, 27 and 28 under 35 U.S.C. §103(a).

In paragraph 8 of the Action, the Examiner rejects claims 7, 8, 27, and 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakahara in view of Japanese Patent No. JP 08-278510 A to Hiraki et al. ("Hiraki"). Applicants respectfully traverse this rejection.

Claims 7, 8, 27, and 28 under 35 variously depend from independent claims 1 and 21. Therefore, claims 7, 8, 27, and 28 under 35 are patentably distinguishable over Nakahara for at least those reasons presented above with respect to claims 1 and 21. Furthermore, Hiraki fails to overcome the deficiencies of Nakahara.

Since Nakahara and Hiraki both fail to disclose or suggest a liquid crystal display device that includes first and second compensating layers that provide a step upon which the main seal and dummy seals, respectively, are raised as claimed, the combination of these two patents cannot possibly disclose or suggest said feature. Therefore, even if one skilled in the art were motivated to combine Nakahara and Hiraki, the combination would still fail to render claims 7, 8, 27, and 28 under 35 unpatentable for at least the reason that the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 7, 8, 27, and 28 under 35 under 35 U.S.C. §103(a).

The application is in condition for allowance. Notice of same is earnestly solicited. Should the Examiner find the application other than in condition for allowance, the Examiner is invited to call the undersigned to discuss the steps necessary to place the application in condition for allowance.

Applicant hereby authorizes the Commissioner of Patents to charge any fees necessary to complete this filing, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, or credit any

overpayment in fees, to Deposit Account No. 50-0911. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time.

Dated: May 17, 2005

Respectfully submitted,

By Penny L. Caudle

Penny L. Caudle

Registration No.: 46,607

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorney for Applicant